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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,825	02/25/2005	Gerd Griepentrog	32860-000839/US	9544

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EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
07/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,825

Applicant(s)

GRIEPENTROG ET AL.

Examiner

Tamai I.E. Karl

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6-19 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-5, 20, and 21 in the reply filed on 4/20/2007 is acknowledged.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The substitute specification filed 2/25/2005 has been entered.

Claim Objections

4. Claim 5 is objected to because of the following informalities: claim 5 does not have antecedent basis for the stator part and the secondary part. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ross et al. (Ross)(US 6307766). Ross teaches a wireless and contactless power and information system with a three phase motor 31 where the power and control information is transferred in the same manner. The inductive coupling 50' and 50'' on the stator and secondary part of the motor respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (Ross)(US 6307766), in further view of Fujita et al. (Fujita)(JP 03007002). Ross teaches every aspect of the invention except the motor including a stator and secondary part with power transmitted by inductive coupling and the motor including a stator and secondary part with the same number of pole pairs and pitch. Fujita teaches the linear motor having the same poles and pitch on the stator and rotor to provide power to the mover and devices on the mover through an induced current without contact.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (Ross)(US 6307766), in further view of Ballantyne (US 4635560). Ross teaches

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every aspect of the invention except the slip between the stator and secondary part is used to transmit power to the secondary part. Ballantyne teaches a linear motor having power transferred to the mover by the slip between the stator and mover to power all on board equipment. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Ross with the slip power transfer of Ballantyne to provide enough power for all the equipment on the vehicle as taught by Ballantyne.

10. Claims 4, 5, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (Ross)(US 6307766), in further view of Richert et al. (Richert)(US 5542356). Ross teaches every aspect of the invention except a high frequency current is applied to the stator winding to transmit power to the secondary part of the motor. Richert teaches a high frequency signal is superimposed on the stator winding to provide power for an on board air compressor. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Ross with the high frequency signal of Richert to provide power for on-board systems.

In regards to the frequency being 3 times the power supply frequency, Richert suggests the frequency is higher, 10 time as an example. It would have been obvious to determine the result effective range of operation for the motor and power transfer in Richert to optimize performance (see *In re Aller*, 105 USPQ 233, holding that it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art).

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In regards to transferring information at a higher frequency, Ross teaches that control information can be transferred in the same time as the power transfer.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai
PRIMARY PATENT EXAMINER
June 30, 2007



KARL TAMAI
PRIMARY EXAMINER

Cited References:
6307766
4635560
5542356
JP 03007002